

**IN UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE:** 3/11/2025

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER: Chris Bickham**  
**COURTROOM DEPUTY: Keary Conrad**

Gibson Brands, Inc., a Delaware corporation	4:19CV358
v.	
Armadillo Distribution Enterprises, Inc., Concordia Investment Partners, LLC	
Does 1 through 10	

<b>ATTORNEYS FOR PLAINTIFF</b>	<b>ATTORNEYS FOR DEFENDANT</b>
Stephen Dale Howen, Andrea Bates, Kurt Schuettinger, Elizabeth Andujar <b>IT: Keith Slyter</b>	Jerry Selinger, Craig Depew, Kyrie Cameron, Austin Gray, Ron, Bienstock, Zack Klein <b>IT: Mitch Mahon</b>

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 3</b>
8:34 a.m.	Court in session. Court notes appearances.
8:35 a.m.	Court hears from Kyrie Cameron regarding Beth Ramick as a witness and a slide as to customer demographics. Court hears from Plaintiff's counsel, Stephen Howen. Court instructs to set the foundation for the slides and then a bench conference can be held to discuss whether its admissible.
8:40 a.m.	Court hears argument from Plaintiff's counsel, Howen regarding Davidson's testimony disputes. Court hears from Defendant's counsel, Craig Depew regarding Defendant's objection to Plaintiff Exhibit 46 and attachments. Court finds witness can testify and it can be in the summary chart and can be offered through the testimony and not the attachments.
8:47 a.m.	Court hears from Defendant's counsel Depew who advises the Court that he mis-spoke regarding two Defendant's Exhibits yesterday during the course of the trial. Counsel referred to Defendant Exhibit 125 and it is actually Exhibit 425 and Counsel referred to Defendant Exhibit 377b and it is actually 337b. Court hears from Defendant's counsel, Austin Gray regarding Exhibit 3333 who indicates that the Parties have agreed that the letter only will be Defendant's Exhibit 3333 and not the attachments.

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 3</b>
8:48 a.m.	Defendant's counsel Selinger regarding Davidson's testimony in relation to Plaintiff's Exhibit 12. Court hears response from Plaintiff's counsel Howen. Counsel Selinger requests a curative instruction on latches. Court finds it does go to the issue of latches. Court can give a curative and a limine instruction (first).
8:58 a.m.	Court provides damage stipulation to Courtroom Deputy to make part of the record.
8:59 a.m.	Jury seated.
9:00 a.m.	Plaintiff's counsel, Andrea Bates calls Joseph Lafebvre by video deposition.
9:29 a.m.	Plaintiff's counsel, Andrea Bates calls Jason Davidson. Witness placed under oath. Counsel Bates begins direct examination of Jason Davidson.
9:49 a.m.	Counsel Bates refers witness to Plaintiff Exhibit 352.
10:01 a.m.	Counsel Bates refers witness to Plaintiff Exhibits 164, 170, and 176.
10:05 a.m.	Counsel Bates refers witness to Plaintiff Exhibit 746A. Defendant's counsel, Jerry Selinger requests bench conference regarding exhibit. Court admits 746A.
10:11 a.m.	Counsel Bates refers witness to 158, 163 and 42.
10:12 a.m.	Counsel Bates refers witness to 22, 751, 747A, 48, 137.
10:18 a.m.	Counsel Bates refers witness to 137 and 750A.
10:23 a.m.	Counsel Bates refers witness to 152, 771, 788, 855, 856, 857. Counsel Bates offers 152, 771, 788, 855, 856, 857. No objection. 152, 771, 788, 855, 856, 857 are all admitted.
10:31 a.m.	Counsel Bates refers witness to Plaintiff Exhibit 281A.
10:33 a.m.	Jury excused. Court recess.
10:49 a.m.	Court re-convened. Jury seated.
10:50 a.m.	Counsel Bates refers witness to Exhibit 22, 42, 48, 137, 152, 163, 164, 170, 281A is shown to the jury. No objection to those exhibits. 747-A and 750A are offered and admitted.
10:53 a.m.	Counsel Bates continues direct examination of Davidson.
11:03 a.m.	Counsel Bates refers witness to Plaintiff Exhibits 20 and 14.
11:07 a.m.	Counsel Bates indicates that she is about to use Plaintiff Exhibit 12 so she inquires regarding the Court's instruction. Counsel Bates continues to prove up Plaintiff Exhibit 12.
11:09 a.m.	Court provides special instruction to the jury regarding trademark application. Court advises that the evidence is offered for two purposes: the defense of latches and intent.

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 3</b>
11:10 a.m.	Counsel Bates refers witness to Plaintiff Exhibit 12.
11:19 a.m.	Counsel Bates refers witness to Plaintiff Exhibit 876.
11:25 a.m.	Defendant's counsel, Jerry Selinger begins cross examination of Jason Davidson.
11:46 a.m.	Counsel Selinger refers witness to Plaintiff Exhibit 137.
11:52 a.m.	Counsel Selinger refers witness to Plaintiff Exhibit 62.
11:58 a.m.	Counsel Selinger refers witness to Plaintiff Exhibit 746.
11:58 a.m.	Jury excused.
11:59 a.m.	Court hears from Defendant's counsel, Selinger regarding deposition designations with objections. Court asks for highlighted version and the Court will go through them at the end of the day and make rulings.
12:00 p.m.	Court recess for lunch.
1:02 p.m.	Court re-convened. Jury seated.
1:03 p.m.	Counsel Selinger continues cross examination of Jason Davidson.
1:04 p.m.	Counsel Selinger refers witness to Plaintiff Exhibit 14.
1:08 p.m.	Counsel Selinger refers witness to Plaintiff Exhibit 750.
1:09 p.m.	Counsel Selinger refers witness to Plaintiff Exhibit 20.
1:11 p.m.	Plaintiff's counsel, Andrea Bates begin redirect of Jason Davidson.
1:14 p.m.	Defendant's counsel, Jerry Selinger begins recros of Jason Davidson.
1:16 p.m.	Court polls the jury for questions of the witness. Bench conference regarding questions from the jury of the witness. Court does not ask questions of the jury.
1:18 p.m.	Witness excused.
1:19 p.m.	Plaintiff's counsel, Stephen Howen calls by video deposition, Dave Berryman. Counsel Howen advises that the witness refers to deposition exhibit numbers and provides the trial exhibit numbers. Deposition exhibit number 3 is trial exhibit number 14; and deposition exhibit 5 is trial exhibit 20.
1:59 p.m.	Plaintiff's counsel, Stephen Howen calls Beth Rasnick. Witness placed under oath. Counsel Howen begins direct examination of Beth Rasnick.
2:20 p.m.	Plaintiff's counsel, Stephen Howen refers witness to Plaintiff Exhibit 854. No objection. Plaintiff Exhibit 854 is admitted.

<b>TIME:</b>	<b>MINUTES: Jury Trial - Day 3</b>
2:23 p.m.	[Courtroom and transcript sealed]
2:27 p.m.	[Courtroom and transcript unsealed]
2:27 p.m.	Counsel Howen continues direct of Beth Rasnick.
2:34 p.m.	[Courtroom and transcript sealed]
2:35 p.m.	[Courtroom and transcript unsealed]
2:37 p.m.	Defendant objection - bench conference.
2:40 p.m.	Defendant's counsel, Kyrie Cameron begins cross examination of Beth Rasnick.
2:46 p.m.	Court polls the jury for questions from the jury of the witness.
2:48 p.m.	Plaintiff's counsel, Stephen Cowen calls by video deposition Chris Cannella.
3:05 p.m.	Jury excused.
3:06 p.m.	Court recess for 15 minutes.
3:22 p.m.	Court re-convened. Jury seated.
3:23 p.m.	Plaintiff's counsel, Kurt Schuettinger calls Mike Rock. Counsel notes that the video deposition of Chris Cannella referred to Plaintiff's Exhibit 70. The Court notes its admission.
3:23 p.m.	Witness placed under oath. Counsel Schuettinger begins direct examination.
3:53 p.m.	Counsel Schuettinger offers witness Mike Rock as an expert in guitars and consumers' purchasing habits as it relates to guitars. Defendant's counsel, Craig Depew states that based on the issue of genericness described in his report and subject to the court's ruling on the Dauber motion, no objection.
3:54 p.m.	Counsel Schuettinger continues direct examination.
4:02 p.m.	Counsel Schuettinger refers witness to Plaintiff Exhibit 355-1 and 353-1.
4:07 p.m.	Counsel Schuettinger refers witness to Plaintiff Exhibit 352-1.
4:14 p.m.	Counsel Schuettinger refers witness to Plaintiff Exhibits 62, 63, 65, 67, 68, 69.
4:16 p.m.	Defendant's counsel, Craig Depew begins cross examination of Mike Rock.
4:34 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 894.
4:35 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 1016.
4:36 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 971.

TIME:	MINUTES: Jury Trial - Day 3
4:37 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 109.
4:39 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 250.
4:40 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 205.
4:41 p.m.	Defendant's counsel, Craig Depew refers witness to Defendant Exhibit 1375.
4:42 p.m.	Plaintiff requests bench conference.
4:47 p.m.	Defendant's counsel, Craig Depew continues cross examination of Mike Rock.
4:52 p.m.	Jury excused for day.
4:53 p.m.	Plaintiff's counsel, Kurt Schuettinger provides to the Court the 32A3 deposition designations that will likely be played tomorrow.
4:57 p.m.	Court reviews deposition designations. Objection overruled except for pg. 50 line 24-25, then 51, lines 1-7 as redundant. Plaintiff counsel, Stephen Howen puts objections on the record from the deposition; objection of legal conclusion and not an appropriate 30b6 deposition question.
5:00 p.m.	Court adjourned.
	<b>Plaintiff Used:</b> 9:52 <b>Defendant Used:</b> 4:25 <b>Plaintiff Exhibits:</b> 12, 14, 20, 22, 42, 48, 65, 69, 70, 137, 152, 158, 163, 164, 170, 176, 281A, 352-1, 353-1, 355-1, 746, 746A, 747A, 750A, 751, 771, 788, 854, 855, 856, 857, 876 <b>Defendant Exhibits:</b> 109, 205, 250, 894, 971, 1016, 1375

DAVID O'TOOLE, CLERK

BY: Keary Conrad  
Courtroom Deputy Clerk